

**UNITED STATES DEPARTMENT OF THE INTERIOR  
BLM, BOISE DISTRICT**

**EA #ID110-2008-EA-277 Title Page**

Applicant (if any): <b>BLM Action</b>	Proposed Action: <b>Oberbillig Land Acquisition</b>			EA No. <b>ID-110-2008-EA-277</b>
State: <b>Idaho</b>	County: <b>Ada</b>	District: <b>Boise</b>	Field Office: <b>Four Rivers</b>	Authority: <b>FLPMA</b>
Prepared By: <b>FRFO ID Team</b>	Title: <b>Various</b>			Report Date: <b>8/25/2008</b>

**LANDS INVOLVED**

Meridian	Township	Range	Sections	Acres
<b>Boise</b>	<b>3 N</b>	<b>3 E</b>	<b>5 E½SW¼ , SE¼SW¼SW¼; 8 E½NW¼ NW¼</b>	<b>110</b>

<u><b>Consideration of Critical Elements</b></u>	N/A or Not Present	Applicable or Present, No Impact	Discussed in EA
Air Quality	X		
Areas of Critical Environmental Concern			X
Cultural Resources			X
Environmental Justice (E.O. 12898)	X		
Farm Lands (prime or unique)	X		
Floodplains	X		
Migratory Birds			X
Native American Religious Concerns		X	
Invasive, Nonnative Species			X
Wastes, Hazardous or Solid		X	
Threatened or Endangered Species			X
Social and Economic			X
Water Quality (Drinking/Ground)	X		
Wetlands/Riparian Zones			X
Wild and Scenic Rivers (Eligible)	X		
Wilderness Study Areas	X		

## **1.0 Introduction**

### **1.1 Need for and Purpose of Action**

The communities adjacent to the Boise Foothills have expressed the need for public land open space through a variety of documents (e.g., Boise Foothills Open Space Management Plan) and actions (Boise serial levy to acquire lands in the Foothills). The purpose of this proposed action is to acquire private land in Ada County, Idaho to block up Federal ownership, and protect the property from being developed for residential or commercial purposes that could be incompatible with and impair the values of the Boise Foothills as outlined in the Open Space Management Plan.

### **1.2 Summary of Proposed Action**

The Bureau of Land Management (BLM) would use Land and Water Conservation Fund money to acquire the surface estate for approximately 110 acres located in the Boise Foothills. The mineral estate would be reserved to the State of Idaho.

### **1.3 Location and Setting**

The subject property is located in the Boise Foothills 1.5-2 miles east of Military Reserve and 3.5-4 miles east of the Idaho State capitol. It lies within the Picket Pin Creek drainage, a tributary of Cottonwood Creek. Elevations range from 3,040 feet to 3,900 feet. Slopes in the parcels generally range between 20 and 60 percent with slopes less than 20 percent occurring on ridge tops and drainage bottoms.

### **1.4 Conformance with Applicable Land Use Plan**

The proposed action conforms with the following objectives and actions identified in the 1988 Cascade Resource Management Plan:

Recreation Resources: “Provide or enhance recreation at 21 areas” (including the Boise Front) by obtaining “recreational access through easement and acquisition of lands.” (pg 17 (2-47) of the Record of Decision (ROD))

Areas of Critical Environmental Concern: “The Boise Front, encompassing 12,000 acres in the Boise foothills, will be managed to protect watershed, wildlife, recreation, and scenic values.” (pg 3 of the ROD).

### **1.5 Relationship to Statutes, Regulations, and Other Requirements**

Acquisition and subsequent management of the parcels would be in compliance with the Land and Water Conservation Fund Act of 1965. The authority to acquire lands from non-federal entities is described in Section 205 of the Federal Land Policy and Management Act.

### **1.6 Scoping and Development of Issues**

#### **Rights of Way and Other Reservations**

Private lands may have associated rights of way or other reservations that could become a burden to the BLM when they acquire those lands.

#### **Hazardous Materials**

Hazardous materials may have been dumped on the subject parcels. The BLM could be responsible for cleanup of those materials if it acquired the parcels. A hazardous materials survey was completed, revealing that no hazardous substances had been spilled, released, or stored for one year or more on the subject land. Therefore, hazardous materials will not be discussed further.

## **2.0 Description of the Alternatives**

### **2.1 Description of Proposed Action and Alternatives**

#### **2.1.1 Alternative 1 – No Action/Continue Current Management**

The subject parcels would remain in private ownership. They are currently zoned RP (Rural Preservation) under the jurisdiction of Ada County, Idaho. Ada County defines this zone for the continued use of agricultural lands, rangelands, and wildlife management areas within the Boise Front Foothills (in areas designated as the Foothills Planning Area in the Boise City Comprehensive Plan and the Ada County Comprehensive Plan). It limits development of hazardous areas including, but not limited to, fault lines, landslides, subsidence, shallow soils, steep slopes, unstable slopes, flooding, and seeps. It allows a limited number of uses with excessive space requirements or buffering needs on non-prime agricultural lands. The minimum lot size is 40 acres.

#### **2.1.2 Alternative 2 – Proposed Action**

The BLM would use Land and Water Conservation Fund monies to purchase approximately 110 acres currently owned by the estate of Harlow H. Oberbillig. The appraised value of the property is \$880,000. The property consists of two parcels located at:

T. 3 N., R. 3 E., Boise Meridian, Ada County, Idaho  
Section 5: E $\frac{1}{2}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
Section 8: E $\frac{1}{2}$ NW $\frac{1}{4}$  NW $\frac{1}{4}$ .

A Preliminary Title Report #5000739806SH conducted by Alliance Title and Escrow Corp. for the property, revealed the following special exceptions:

Item 1: General Taxes for the year 2007.

Item 2: Exceptions and Reservations contained in the United States Patent.

Item 3: Exceptions and Reservations contained in the Deeds from the State of Idaho wherein mineral rights are reserved to the State.

Item 4: An easement granted to Idaho Power

Item 5: Abandoned placer mining location notice

Item 6: Easements, reservations, notes, and dedications as shown on Record of Survey No. 592.

Item 7: An easement for roadway purposes granted to Milton R. and Maxine Johnston.

Item 8: Easements, reservations, notes, and dedications as shown on Record of Survey No. 854.

Item 9: An easement for public utilities granted to Mountain States Telephone and Telegraph Company.

Since the United States does not pay property tax, Item 1 would be the responsibility of the current owner up to the closing date. The other special exceptions have been reviewed and would remain on the title. BLM would honor them.

The parcels would be managed under the guidelines of the Boise Front ACEC. The Cascade Resource Management Plan set resource use limitations for the ACEC for motorized and non-motorized vehicle use, seasonal road closures, mineral sales, VRM considerations, and land ownership disposals. Management emphasis would be on closure, rehabilitation, maintenance, and reconstruction of roads and trails, restriction of future rights-of-way to insure minimal erosion and visual intrusions, full fire suppression, and rehabilitation of burned areas.

### **3.0 Affected Environment and Environmental Consequences**

#### **3.1 Vegetation/Special Status Plants/Watershed**

##### **3.1.1 Affected Environment – Vegetation/Special Status Plants/Watershed**

###### Vegetation

The majority of the area burned in 1959. A small portion (~5 acres) of the parcel in section 8 burned in 2007. South facing slopes in section 5 are dominated by perennial and annual grasses. North facing slopes are dominated by Wyoming big sagebrush and bitterbrush overstories with perennial grass understories. A portion of the western parcel in Section 5 was cultivated in the past and is dominated by annual grasses.

Picket Pin Creek is intermittent, with little or no summer flows in most years. Water sources are mainly derived from surface runoff.

###### Special Status Plants

No botanical inventories have been conducted on this parcel. There are three special status plant species known to occur in the general vicinity of the parcels, Aase's onion (*Allium aasae*), Wilcox' primrose (*Primula wilcoxiana*), and Slickspot peppergrass (*Lepidium papilliferum*.) The parcel only has suitable habitat for the Slickspot peppergrass.

###### Watershed

Soils in the area formed in residuum and alluvium from igneous rock on side slopes and hill tops. They are generally moderately deep to deep and well-drained. Surface textures are

predominantly coarse with subsoils varying from loamy sands to clay loams. The hazard of erosion by water for these soils is high and slope is a critical factor in the soil's susceptibility to these forces. Annual precipitation received averages 15 to 20 inches, with most being infiltrated into the soils. Little water is yielded as overland flow except during high intensity events.

Runoff from a road on a ridge bisecting the parcel in Section 5 has resulted in substantial gullies both on the parcel and adjacent to it.

### **3.1.2 Environmental Consequences – Vegetation/Special Status Plants/Watershed**

#### **3.1.2.1 Alternative A**

No plans for use of the property are known. Under the current zoning, it may be possible for the property to be split into two lots. If developed there would be surface disturbing activities for building pads, access routes and other related items. The current vegetation would be destroyed for those areas and there may be some erosion that would occur until vegetation is re-established. Suitable habitat for slickspot peppergrass could be lost over the long term.

#### **3.1.2.2 Alternative B**

There would be no surface disturbing actions. Vegetation and suitable habitat for special status plants would remain intact over the long term. Any disturbance that may occur after Federal acquisition would be evaluated and analyzed for impacts to the vegetation and watershed on a case-by-case basis. In the event of any catastrophic event that would impact the watershed, the affected area would be considered for restoration activities.

### **3.2 Wildlife/Special Status Animals**

#### **3.2.1 Affected Environment – Wildlife/Special Status Animals**

##### Wildlife

The project area is within a critical mule deer winter range and is within one mile of the Idaho Fish and Game Boise River Wildlife Management Area (WMA). Numerous other large and small mammals are found within the project area, including black bear, mountain lion, and coyote. The area also contains numerous upland game birds ( e.g. California quail, blue grouse, dove, chukar partridge, gray partridge), non-game birds, ( e.g. western meadowlark, chipping sparrows, canyon and rock wren, vesper sparrow, sage thrasher, willow flycatcher, song sparrow, yellow breasted chat, yellow warbler, lazuli bunting), and raptors (including golden eagle, Cooper's hawk, sharp-shinned hawk, red-tailed hawk, northern harrier, and kestrel) and reptiles such as gopher snake, western rattlesnake, rubber boa, and sagebrush lizard. Amphibians including long-toed salamander and western toad are found in riparian areas.

##### Special Status Animals

No threatened or endangered animals are known to inhabit the area, though there have apparently been several sightings of grey wolves on the Boise Front in recent years. Historically, mountain quail, occupied the Boise Front, and as recently as 1990 were observed near Fivemile Creek. Planning efforts to reintroduce mountain quail to the Boise Front are underway. Several observations of greater sage-grouse have been reported near the project area within the last few years. Sage-grouse numbers are expected to increase in the area, barring large wildfires or

outbreaks of disease. Several sensitive species of bats are known to occur in the vicinity of the project area including fringed myotis, pallid bat, Western small-footed bat, long-legged myotis, and Townsend's big-eared bat.

### **3.2.2 Environmental Consequences – Wildlife/Special Status Animals**

#### **3.2.2.1 Alternative A**

No plans for use of the property are known. If development occurs, there would be surface disturbing activities for building pads, access routes and other related items. Wildlife would be temporarily displaced and possibly its use of the parcel could be prohibited by the change of use. Animals that are sensitive to human disturbance would avoid habitats adjacent to developed areas over the long term. Pets from developed areas could also disturb and destroy some wildlife species. Populations of species that are tolerant of human disturbance would remain stable or increase over the long term.

#### **3.2.2.2 Alternative B**

There would be no surface disturbing actions that may cause direct or indirect displacement or change in wildlife use. Wildlife use of the area would be expected to continue at current levels over the long term. Any disturbance that may occur after Federal acquisition would be evaluated and analyzed on a case-by-case basis.

### **3.3 Cultural Resources**

#### **3.3.1 Affected Environment – Cultural Resources**

No cultural inventory has been conducted on the parcel and little is known about the cultural properties in the area.

#### **3.3.2 Environmental Consequences – Cultural Resources**

##### **3.3.2.1 Alternative A**

No Federal protection of any sites that may be on the parcel would be provided. The State of Idaho or the local jurisdictions do not have laws that protect the cultural resources. Any sites present could be destroyed or compromised by ground disturbing activities.

##### **3.3.2.2 Alternative B**

Any cultural properties that may be on the parcel would be brought under protection through several Federal laws including but not limited to: Section 106 of the National Historic Preservation Act, the American Religious Freedom Act of 1978, the Archeological Resources Protection Act of 1979, Executive Orders 13007 and 11593, and the Native American Graves Protection and Repatriation Act of 1990. Any earth disturbing actions that would occur on the property after BLM's acquisition would be evaluated on a case by case basis for cultural resources. The Shoshone-Paiute Tribes were consulted in the Wings and Roots session on August 21, 2008. The Tribes have no concern with the acquisition.

### **3.4 Recreation/Special Designations**

#### **3.4.1 Affected Environment – Recreation/Special Designations**

##### Recreation

The property is physically accessed via an unnamed road off of Shaw Mountain Road; however, no legal access rights are granted to it. Recreation use is limited because access to the parcels from the west is restricted. The ridgeline road/trail is lightly used. It passes through BLM and State lands to the east, but access is also restricted on the eastern side by private land. Low levels of use, primarily hiking and hunting, occur on BLM land to the east.

##### Special Designations

The parcel is within the Boise Front Area of Critical Environmental Concern (ACEC). The management objectives of the ACEC are to protect and enhance the watershed resource, quality of wildlife habitat, variety of recreation opportunities, and scenic values.

#### **3.4.2 Environmental Consequences – Recreation/Special Designations**

##### **3.4.2.1 Alternative A**

No change would occur from the current condition. No plans for use of the property are known. The owners could preclude recreational use in the future which would reduce access to public land over the long term.

##### **3.4.2.2 Alternative B**

There are no plans to develop recreation on the parcel. If plans are developed in the future they would be evaluated and analyzed on case-by-case basis. These parcels would continue to provide access to BLM lands to the east.

### **3.5 Social and Economic**

#### **3.5.1 Affected Environment – Social and Economic**

The parcels lie in a Rural Preservation District of Ada County. There are approximately 13 housing units within one mile of the parcels including one adjacent to the western side of the parcel in section 5 (based on 2004 aerial photography). The parcel is adjacent to a tract of State of Idaho owned land (to the north and east) that is involved in the Idaho Land Enhancement Act. Under the Act, the adjacent parcel is to be acquired by BLM in an exchange. Property taxes are assessed and collected by Ada County. In 2007 the property taxes assessed, totaled \$40.76.

#### **3.5.2 Environmental Consequences – Social and Economic**

##### **3.5.2.1 Alternative A**

Currently the property taxes collected for the parcel do not cover the cost of County services, i.e., fire and police protection. Development of the parcel would cause the property to be re-assessed for property taxes.



### **3.5.2.2 Alternative B**

Ada County would no longer collect property taxes on this parcel. This may be offset by a possible increase in the Payment of Lieu of Taxes (PILT) payment Ada County receives from the United States. Fire protection and law enforcement would then be the responsibility of the BLM.

## **3.6 Cumulative Impacts**

### **3.6.1 Scope of Analysis**

For purposes of this analysis, the geographic area of consideration for cumulative impacts is the 80,000 acre Boise Front, since its proximity to Idaho's largest urban area and its relatively good road access make it the area where the most intensive front country trail-related recreation is occurring. The period of consideration is ten years, extending from the present (2008) back to 2003, and forward to 2013.

### **3.6.2 Environmental Consequences – Cumulative Impacts**

#### **3.6.2.1 Soils/Vegetation**

The 19<sup>th</sup> century introduction and subsequent proliferation of non-native, highly flammable plants in the Boise Foothills, notably cheatgrass, medusahead wild rye, rush skeleton weed, and others, increased the probabilities of more frequent, and severe wildfires, and in the aftermath of these fires, soil erosion and loss of native vegetation tended to be extensive and enduring. In recent years successful rehabilitation of extensive burned areas from a composition of dominantly annual invasive species to a mix of perennial grasses and shrubs has been fairly successful in some locations on the Boise Front, helping to stabilize erosive slopes and reduce fire danger in those areas. Grazing pressure has declined significantly from earlier decades, and this too has helped native and other desirable perennial species to recover and thrive in some areas of the Boise Front. In recent years, aggressive, coordinated fire protection and suppression efforts by managing agencies have often helped to limit burned acreage on the Boise Front. Recent climatic trends across the West have seen sharp rises in average temperature and declines in annual precipitation, and this suggests that despite gains in rehabilitation and improvements in suppression efforts, large, catastrophic fires may be likely to occur on the Front over the next five years. Should a catastrophic fire on the massive scale of the 1996 Boise Front Fire occur, the small and localized effects of the two alternatives on soils and watershed, positive, or negative, would, in the context of the 80,000 acre Boise Front, contribute negligible additional cumulative impacts.

#### **3.6.2.2 Wildlife**

Over the ten year analysis period, ongoing subdivision and development of the private lands in the foothills has, and would continue to displace some terrestrial wildlife and birds into less-developed areas of the foothills, including the Rocky Canyon area. Impacts to wildlife as a result of the Proposed Action, considered in isolation, are likely to be slightly beneficial. When considered in conjunction with ongoing development of other areas of the foothills, it is likely that wildlife populations would continue to experience more disturbance and interaction with humans, more competition for resources, and rising pressure on the productivity of their habitats.



As development of the foothills advances, other planned trail projects are likely to be constructed by the public agencies in the Foothills Coalition, and by private developers or home owners associations. If properly planned and located to minimize disturbance to wildlife populations, such projects can help to reduce the impacts of residential development on wildlife.

One of the goals of the Foothills Open Space Plan (2000) is to zone the foothills in order to accommodate rising public demand for recreation access while providing areas that protect wildlife from disturbance. The nearby Boise River WMA is managed to protect wildlife habitat in the foothills and to provide a refuge for wildlife from encroaching development and human disturbance. The segregation of large areas of the foothills like the WMA from recreational or residential development while allowing limited, controlled recreational development in other areas, mitigates, but does not eliminate, the inevitable negative effects of rapid human population growth and development on adjacent wildlife populations.

The small and localized effects of the two alternatives on wildlife, positive, or negative, would, in the larger context of the 80,000 acre Boise Front, contribute negligible additional cumulative impacts.

### **3.6.2.3 Recreation**

As human population and recreation demand in the region inevitably rise over the next five years, providing trail access would help channel this rising use onto signed and managed corridors that occupy areas best able to sustain such use. Under Alternative A, new trail development would be more difficult due to acquiring rights from the private landowner. So a minor proportion of the rising public demand in the region for diverse, non-motorized trail-based recreation would remain unmet. The failure of governing agencies to provide additional managed, maintained trail corridors for the public elsewhere across the Boise Front could lead to a proliferation of user built trails. Such user built systems often have a variety of negative features including steep fall line routes that can result in erosion and high maintenance costs, unintentional disruption or displacement of plant or animal populations, and increased social friction between public land users (e.g. motorized vs. non-motorized users). Under Alternative B, development of new trails in the area would be facilitated due to the additional public land. Recreational use of the area would rise with the addition of the new trail and any related connections.

## **4.0 Consultation and Coordination**

Boise District Wings and Roots – August 21, 2008

### **4.1 List of Preparers**

Michael Truden	Team Lead
Matthew McCoy	NEPA
Frank Jenks	Recreation
Mark Steiger	Botany
Tim Carrigan	Wildlife Biology
Dean Shaw	Cultural Resources

### **4.2 List of Agencies, Organizations, and Individuals Consulted**

City of Boise